IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appellants:	Brignone et al.	Patent Application	
Serial No.:	10/698,708	Group Art Unit:	2453
Filed:	October 30, 2003	Examiner:	Choudhury

For: DATA STRUCTURE DISPOSED IN A COMPUTER READABLE MEMORY THAT PROVIDES INFORMATION CORRESPONDING TO A LOCATION

APPEAL BRIEF

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I. Real Party in Interest

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

II. Summary of Claimed Subject Matter

Claim 1 pertains to a non-transitory computer readable storage medium having a data structure disposed therein for providing information corresponding to a geographic location (page 9, lines 2-3). The data structure includes:

a first data field for identifying said geographic location and positional data related to a physical location of said geographic location (1101 of Figure 11; page 53, lines 6-7; and page 12, lines 4-24) ; and

a second data field (1102 of Figure 11) associated with said first data field for containing said information, said second field is comprising a uniform resource locator (page 53, lines 8-11), wherein a user can access said information (page 13, lines 23-24);

wherein said first data field and said second data field are linked such that said data structure comprising said positional data and said uniform resource locator related to said physical location functions as a virtual beacon and is downloadable to a client device near said physical location such that said uniform resource locator is accessible by said user without browsing (page 10, lines 26-27; page 35, line 22-page 36, line 5; page 47, lines 20-23; and page 53, lines 4-6), wherein a physical location of said client device is not required to be transmitted (page 31, lines 10-14);

said virtual beacon selectively provides a portion of said information to said client device on a network, wherein said portion is based on a context relating to a user of said client device (page 9, lines 12-21; and page 19, line 17-page 21, line 21); and

said context and said information is dynamically updated based on a condition relating to a temporal pertinence of said information (page 9, lines 12-21; and page 19, line 17-page 21, line 21).

Claim 10 pertains to a network based system for selectively providing a data structure to a client device, said data structure having a first data field for identifying a geographic location and positional data related to a physical location of said geographic location and a second data field associated with said first data field containing information corresponding to said location, said second field is comprising

a uniform resource locator (page 10, lines 7-19; and page 52, lines 5-14). The said network comprising:

a filter disposed upon said client device and coupled to said network for accessing context stored at said client device and on the basis of said context determining that said data structure is pertinent to a user of said client device and wherein said filter functions to deter locating said user (page 28, lines 15-25), wherein said context and said information is dynamically updated based on a condition relating to a temporal pertinence of said information (page 54, lines 1-6), and wherein a physical location of said client device is not required to be transmitted (page 31, lines 10-14);

a server coupled to said network for selectively furnishing a portion said data structure to said client device on the basis of said context and said determining, wherein said first data field and said second data field are linked such that said data structure comprising said positional data and said uniform resource locator related to said physical location is downloaded to said client device when said client device is near said physical location such that said uniform resource locator is accessible without browsing (page 10, lines 26-27; page 35, line 22-page 36, line 5; page 47, lines 20-23; and page 53, lines 4-6); and

a database coupled to said server for storing a plurality of said data structures and providing said data structure to said server (page 28, lines 6-25).

Claim 16 pertains to a network based method for selectively providing a data structure, said data structure having a first data field for identifying a geographic location and positional data related to a physical location of said geographic location and a second data field associated with said first data field containing information corresponding to said location, said second field is comprising a uniform resource locator, to a client device, (page 28, lines 6-25) said method comprising:

in response to a request from said client device, seeking context that characterizes a user of said client device (page 28, lines 6-25);

in response to said seeking, filtering said context at said client device to deter locating said user (page 28, line 6 – page 29, line10);

upon said filtering, determining from said context that said data structure is pertinent to said user (page 31, line 24 – page 32, line 8);

in response to said determining, sending a portion of said data structure to said client device, wherein said portion is based on said context, wherein said first data field and said second data field are linked such that said data structure comprising said positional data and said uniform resource locator related to said physical location is sent to said client device when said client device is near said physical location such that said uniform resource locator is accessible without browsing (page 10, lines 26-27; page 35, line 22-page 36, line 5; page 47, lines 20-23; and page 53, lines 4-6); and

dynamically updating said context and said portion of said data structure based on a condition relating to a temporal pertinence of said information and said portion of said data structure (page 54, lines 1-6), wherein a physical location of said client device is not required to be transmitted (page 31, lines 10-14).

Claim 22 pertains to a non-transitory computer readable storage medium having a data structure disposed therein for providing information corresponding to a geographic location (page 9, lines 2-3), said data structure comprising:

a first data field for identifying said geographic location with respect to a point in three dimensional reference system related to a physical location of said geographic location, wherein said three dimensional reference system is based selectively on an absolute reference and a relative reference (1101 of Figure 11; page 24, lines 17-21, page 53, lines 6-7; page 12, lines 4-24); and

a second data field associated with said first data field for containing said information, said second field is comprising a uniform resource locator, wherein a user can access said information (page 53, lines 8-11);

wherein said first data field and said second data field are linked such that said data structure comprising said geographic location and said uniform resource locator related to said physical location functions as a virtual beacon and is downloadable to a client device near said physical location such that said uniform resource locator is accessible by said user without browsing (page 10, lines 26-27; page 35, line 22-page 36, line 5; page 47, lines 20-23; and page 53, lines 4-6) and

said virtual beacon selectively provides a portion of said information to said client device on said network, wherein said portion is based on a context relating to a

user of said client device (page 9, lines 12-21; and page 19, line 17-page 21, line 21); and

said context and said information is dynamically updated based on a condition relating to a temporal pertinence of said information (page 9, lines 12-21; and page 19, line 17-page 21, line 21), wherein a physical location of said client device is not required to be transmitted and is filed at said client device to deter locating said user (page 31, lines 10-14).

III. Argument

1. Whether Claims 1, 4, 7, and 9 are Patentable Over Want and Philyaw.

Claims 1-26 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,122,520 to Want et al. (hereinafter referred to as "Want") in view of U.S. Patent No. 6,961,555 to Philyaw (hereinafter referred to as "Philyaw"). The Appellants submit that the features recited in Claims 1-26 are patentable over Want in view of Philyaw for at least the following reasons.

"As reiterated by the Supreme Court in *KSR*, the framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). Obviousness is a question of law based on underlying factual inquiries" including "[a]scertaining the differences between the claimed invention and the prior art" (MPEP 2141(II)). "In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious" (emphasis in original; MPEP 2141.02(I)). Appellants note that "[t]he prior art reference (or references when combined) need not teach or suggest all the claim limitations, however, Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art" (emphasis added; MPEP 2141(III)).

Moreover, Appellants respectfully note that "[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention" (emphasis in original; MPEP 2141.02(VI); *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984)).

Claim 1 recites (emphasis added):

> A non-transitory computer readable storage medium having a data structure disposed therein for providing information corresponding to a geographic location, said data structure comprising:
> a first data field for identifying said geographic location and positional data related to a physical location of said geographic location; and

a second data field associated with said first data field for containing said information, said second field is comprising a uniform resource locator, wherein a user can access said information;

wherein said first data field and said second data field are linked such that said data structure comprising said positional data and said uniform resource locator related to said physical location functions as a virtual beacon and is downloadable to a client device near said physical location such that said uniform resource locator is accessible by said user without browsing, wherein a physical location of said client device is not required to be transmitted;

said virtual beacon selectively provides a portion of said information to said client device on said network, wherein said portion is based on a context relating to a user of said client device; and

said context and said information is dynamically updated based on a condition relating to a temporal pertinence of said information.

The Appellants understand Want to disclose using position information of a receiver to direct users to pre-determined web pages. However, the Appellants do not understand Want to address the feature of "said information is dynamically updated based on a condition relating to a temporal pertinence of said information," as recited in Claim 1.

The Appellants submit that Philyaw fails to repair the shortcomings of Want. The instant Office Action states, "Philyaw teaches the webpage/advertising (information) provided to the user can be based on time (temporal pertinence); see column 14, lines 45-65 Philyaw." The Appellants note that Philyaw teaches in the above cited art:

> One could imagine that, due to the cost of advertisements in a high profile sports program, there is a desire to utilize this time wisely. If, for example, an advertiser contracted for 15 seconds worth of advertising time, they could insert within their program a tone containing the routing information.

The Appellants understand Philyaw to further disclose that, in response to the inserted routing information, a user can be directed to advertising of "longer length" than the advertiser contracted for. In other words, the Appellants understand the above cited art to disclose that a link is inserted into the sports program which directs a user to another site where more extensive advertising is presented. Thus, after paying for 15 seconds of advertising time, the advertiser can direct a user to a longer advertisement at a different site. The Appellants do not understand this to disclose

the feature of "said context and said **information** is dynamically updated based upon the temporal **pertinence** of the **information**" (emphasis added) as recited in Claim 1. Instead, the Appellants understand Philyaw to disclose that the importance of time is related to the **cost** of advertising in a high profile sports program rather than to the content itself.

The Instant Application describes instances in which the information conveyed changes based upon the current time. For example, lines 8-15 of page 34 describe a situation in which a client device will only detect a beacon during a specific set time interval (e.g., when a store is open). Line 16 of page 38-line 5 of page 39 provides an example in which an invitee to an event is presented with different information based upon the time. The Appellants do not understand Philyaw to disclose that the content or information conveyed is dynamically updated based upon the time. For example, Appellants do not understand Philyaw to teach changing Philyaw's URL to the website based upon the time. Instead, the Appellants understand Philyaw to disclose that an advertiser can pay for less advertising time by inserting the routing information within the 15 second time slot of the sports programming.

RESPONSE TO ARGUMENTS

The Office Action states on page 16 lines 4-8 (emphasis added),

> Philyaw teaches delivering a webpage/advertising customized based on user profile information (selectively provide a portion of information based on user context); see at least column 23, lines 4-12, Philyaw. That webpage/advertising (information) can be provided to the user based on available time (which is temporal pertinence); see column 14, lines 45-65 Philyaw.

For the sake of illustration and not by way of admission, Appellants respectfully submit that even if Philyaw teaches delivering information based on a user profile, providing information based on user context, or providing information based on available time, none of these teach or suggest "said context and said **information** is dynamically **updated** based on a condition relating to a temporal **pertinence** of said **information**," (emphasis added) as recited by Claim 1. In other words, Appellants do not understand providing or delivering as dynamically updating. Further, in none of these situations (e.g., delivering information based on a user

profile, providing information based on user context, or providing information based on available time) does Appellants understand Philyaw to teach or suggest updating Philyaw's provided information based on the temporal pertinence of the provided information itself but instead relates to cost, as discussed herein.

SUMMARY

The Appellants respectfully submit that the combination of Want and Philyaw, as a whole, does not satisfy a *prima facie* case of obviousness under 35 U.S.C. §103(a). Furthermore, the instant Office Action does not explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art as set forth in MPEP 2141(III). Accordingly, the Appellants submit that the rejection of Claim 1 under 35 U.S.C. §103(a) is not supported by the cited art.

Claims 2-9 depend from Claim 1 and recite additional features descriptive of embodiments of the present invention. Accordingly, the Appellants submit that the rejection of Claims 2-9 under 35 U.S.C. §103(a) is not supported by the cited art.

2. Whether Claim 2 is Patentable Over Want and Philyaw.

Claims 1-26 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,122,520 to Want et al. (hereinafter referred to as "Want") in view of U.S. Patent No. 6,961,555 to Philyaw (hereinafter referred to as "Philyaw"). The Appellants submit that the features recited in Claims 1-26 are patentable over Want in view of Philyaw for at least the following reasons.

"As reiterated by the Supreme Court in *KSR*, the framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). Obviousness is a question of law based on underlying factual inquiries" including "[a]scertaining the differences between the claimed invention and the prior art" (MPEP 2141(II)). "In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious" (emphasis in

original; MPEP 2141.02(I)). Appellants note that "[t]he prior art reference (or references when combined) need not teach or suggest all the claim limitations, however, Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art" (emphasis added; MPEP 2141(III)).

Moreover, Appellants respectfully note that "[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention" (emphasis in original; MPEP 2141.02(VI); *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984)).

The instant Office Action states that Want teaches through Philyaw the feature of "said context is subject to filtering and wherein the filtering functions to deter locating said user" as recited in Claim 2.

The Appellants do not understand Want to disclose the above recited feature. The instant Office Action cites column 5, lines 58-67 of Want as disclosing the above recited feature. The Appellants have reviewed the cited art and do not understand any of the above cited sections to disclose a filtering operation of any sort. The Appellants understand Want to disclose transmitting either coordinate information, or a unique URL. Thus, the Appellants understand Want to disclose either actively using coordinate information, or using data which does not contain location information. The Appellants submit that this does not teach or suggest "said context is subject to filtering and wherein the filtering functions to deter locating said user" as recited in Claim 2.

The Appellants submit that Philyaw fails to repair the shortcomings of Want. The Appellants understand Philyaw to disclose that some devices may not be configured to determine their location (see column 2, lines 1-7 of Philyaw) and would therefore not be capable of "said context is subject to filtering and wherein the filtering functions to deter locating said user" (emphasis added) as recited in Claim 2.

RESPONSE TO ARGUMENTS

With respect to the fourth point discussed on page 16 lines 9-17, Claim 2 recites "said context is subject to filtering and wherein the filtering functions to deter locating said user." The Office Action states on page 16 lines 15-17, "Such a feature is taught by Philyaw wherein it is disclosed that the wireless device need not provide any geographical location; see column 2, lines 6-7 and column 31, lines 5-9, Philyaw."

Philyaw states at Col. 2 lines 6-7, "without requiring the wireless device or its user to provide any geographic location information." First, Appellants understand Philyaw to be silent with respect to filtering functions at Col. 2 lines 6-7. Second, Appellants do not understand Philyaw to teach or suggest anything about deterring any thing at Col. 2 lines 6-7. Third, Appellants do not understand Col. 2 lines 6-7 to teach anything about "locating said user." Fourth, Appellants do not understand Philyaw to teach or suggest "said context is subject to filtering," at Col. 2 lines 6-7. Therefore, Appellants do not understand Philyaw to teach or suggest "said context is subject to filtering and wherein the filtering functions to deter locating said user," as recited by Claim 2 at Col. 2 lines 6-7.

With respect to Col. 31 lines 5-9, Philyaw states, "On the other hand, the second beacon unit 2502b, may cause the wireless device 2510 to connect to a remote location which provides information having no geographical relevance, e.g., information relating to the product advertised on an adjacent billboard." Appellants do not understand providing information with no geographical relevance to teach or suggest "said context is subject to filtering," "filtering functions," "to deter locating said user," "locating said user," let alone to teach or suggest "said context is subject to filtering and wherein the filtering functions to deter locating said user," as recited by Claim 2.

SUMMARY

The Appellants respectfully submit that the combination of Want and Philyaw, as a whole, does not satisfy a *prima facie* case of obviousness under 35 U.S.C. §103(a). Furthermore, the instant Office Action does not explain why the

difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art as set forth in MPEP 2141(III). Accordingly, the Appellants submit that the rejection of Claim 2 under 35 U.S.C. §103(a) is not supported by the cited art.

3. Whether Claim 3 is Patentable Over Want and Philyaw.

Claims 1-26 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,122,520 to Want et al. (hereinafter referred to as "Want") in view of U.S. Patent No. 6,961,555 to Philyaw (hereinafter referred to as "Philyaw"). The Appellants submit that the features recited in Claims 1-26 are patentable over Want in view of Philyaw for at least the following reasons.

"As reiterated by the Supreme Court in *KSR*, the framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). Obviousness is a question of law based on underlying factual inquiries" including "[a]scertaining the differences between the claimed invention and the prior art" (MPEP 2141(II)). "In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious" (emphasis in original; MPEP 2141.02(I)). Appellants note that "[t]he prior art reference (or references when combined) need not teach or suggest all the claim limitations, however, Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art" (emphasis added; MPEP 2141(III)).

Moreover, Appellants respectfully note that "[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention" (emphasis in original; MPEP 2141.02(VI); *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984)).

The instant Office Action states that Want teaches through Philyaw, the feature of "wherein the receivability of said data structure to said client device is activated or deactivated in response to said condition," as recited by Claim 3. The Appellants note that "said condition," as recited by Claim 3 is related to "a temporal pertinence of said information," as recited by Claim 1. The instant Office Action cites column 24, lines 9-29 of Philyaw as disclosing the above recited feature. The Appellants understand the above cited portion of Philyaw to disclose that requests for information may be buffered on a device in the event of a communication interruption. When communications are resumed, the request is sent. In the same way, reply information may be buffered until communications are established. The Appellants therefore understand Philyaw to disclose that requests and replies are sent and received based upon communication connectivity instead of based upon the temporal pertinence of the information as recited in Claim 3.

The Appellants further understand Want to be silent regarding the features recited in Claim 3.

RESPONSE TO ARGUMENTS

With respect to the Office Action's statements on page 16 line 18 to page 17 line 6, Claim 3 recites "wherein the receivability of said data structure to said client device is activated or deactivated in response to said condition," where Claim 3 depends on Claim 1, which recites "a condition relating to a temporal pertinence of said information." The Office Action states that Philyaw's "receipt of data can be real-time or non-real-time. If it is non-real-time (based on temporal pertinence), the data is delivered at a later time (receivability of data structure to said client is activated/deactivated); see column 13 lines 53-65, Philyaw.

Philyaw states at Col. 13 lines 53-65 (emphasis added),

> If realtime, the program will flow along a "Y" path to a function block 1514 wherein the information will be immediately forwarded to the manufacturer or subscriber. The program will then flow to a function block 1516 wherein the billing for that particular manufacturer or subscriber will be updated in the billing database 1316. The program will then flow into an End block 1518. If it was non-realtime, the program moves along the "N" path to a function block 1520 wherein

it is set for a later delivery and it is accrued in the transaction database 1310. In any event, the transaction database 1310 will accrue all information associated with a particular routing code.

Accordingly, Appellants understand Philyaw to teach using non-real time delivery in order to accrue information in a database (see Philyaw Col. 13 lines 53-65 quoted herein). Appellants respectfully submit that using non-real time delivery in order to accrue information in a database does not teach or suggest "wherein the receivability of said data structure to said client device is activated or deactivated in response to said condition," as recited by Claim 3 where "a condition relating to a temporal pertinence of said information," as recited by Claim 1

SUMMARY

Appellants respectfully submit that the combination of Want and Philyaw, as a whole, does not satisfy a *prima facie* case of obviousness under 35 U.S.C. §103(a). Furthermore, the instant Office Action does not explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art as set forth in MPEP 2141(III). Accordingly, the Appellants submit that the rejection of Claim 3 under 35 U.S.C. §103(a) is not supported by the cited art.

4. Whether Claim 5 is Patentable Over Want and Philyaw.

Claims 1-26 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,122,520 to Want et al. (hereinafter referred to as "Want") in view of U.S. Patent No. 6,961,555 to Philyaw (hereinafter referred to as "Philyaw"). The Appellants submit that the features recited in Claims 1-26 are patentable over Want in view of Philyaw for at least the following reasons.

"As reiterated by the Supreme Court in *KSR*, the framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). Obviousness is a question of law based on underlying factual inquiries" including "[a]scertaining the differences between the claimed invention and the prior art" (MPEP 2141(II)). "In determining the differences between the prior art and the claims, the question under 35 U.S.C.

103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious" (emphasis in original; MPEP 2141.02(I)). Appellants note that "[t]he prior art reference (or references when combined) need not teach or suggest all the claim limitations, however, Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art" (emphasis added; MPEP 2141(III)).

Moreover, Appellants respectfully note that "[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention" (emphasis in original; MPEP 2141.02(VI); *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984)).

The Appellants submit that Want discloses connecting a wireless device to a remote site based upon the coordinates of the wireless device, or of a feature near the wireless device. The Appellants further understand Want to disclose that bar codes, infrared beacons, or printed material can be used to convey the location information. The Appellants do not understand Want to disclose "a locational aspect comprises state selected from the group consisting of directional orientation, tilt orientation, motion through a specified area of coverage, and accessibility of a location to a position of a client device," (emphasis added) as recited in Claim 5.

The instant Office Action cites column 3, lines 41-45 of Want as disclosing the above recited features. The Appellants understand the cited portion of Want to disclose the above recited features, or a device capable of determining orientation, or tilt.

The Appellants further submit that Philyaw fails to repair the shortcomings of Want. More specifically, the Appellants do not understand Philyaw to disclose a locational aspect selected from the group consisting of directional orientation, tilt orientation, motion through a specified area of coverage, and accessibility of a

location to a position of a client device as recited in Claim 5, or a device capable of determining orientation, or tilt.

RESPONSE TO ARGUMENTS

With respect to the Office Action's statements on page 17 lines 7-21, Claim 5 recites "said locational aspect comprises a state selected from the group consisting of directional orientation, tilt orientation, motion through a specified area of coverage, and accessibility of said location to a position of said client device," where Claim 5 depends on Claim 4, which recites "a locational aspect of said client device."

The Office Action appears to assert on page 17 lines 15-17 that longitude, latitude and altitude teach or suggest "directional orientation," as recited. However, Appellants respectfully submit that longitude, latitude and altitude teach a point in space instead of direction, and, therefore, any one or more of longitude, latitude and altitude do not teach or suggest "directional orientation," as recited.

The Office Action appears to assert on page 17 lines17-18 that a user clicking on a point of a map displayed on the user's device teaches or suggests "motion through a specified area of coverage," as recited. Appellants respectfully submit that a point of a map displayed on a user's device does not teach or suggest "motion," "through a specified area," "coverage," "locational aspect of said client device," let alone to teach or suggest "said locational aspect comprises a state selected from the group consisting of directional orientation, tilt orientation, motion through a specified area of coverage, and accessibility of said location to a position of said client device," as recited by Claim 5 where the locational aspect is of "said client device," as recited by Claim 4.

The Office Action appears to assert on page 17 lines 19-21 that providing directions to a specific location teaches or suggests "accessibility of said location to a position of said client device." Appellants respectfully submit that providing directions does not teach or suggest "accessibility," "accessibility of said location," "a position of said client device," let alone teach or suggest "accessibility of said location to a position of said client device" as recited by Claim 5.

SUMMARY

Appellants respectfully submit that the combination of Want and Philyaw, as a whole, does not satisfy a *prima facie* case of obviousness under 35 U.S.C. §103(a). Furthermore, the instant Office Action does not explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art as set forth in MPEP 2141(III). Accordingly, the Appellants submit that the rejection of Claim 5 under 35 U.S.C. §103(a) is not supported by the cited art.

5. Whether Claim 8 is Patentable Over Want and Philyaw.

Claims 1-26 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,122,520 to Want et al. (hereinafter referred to as "Want") in view of U.S. Patent No. 6,961,555 to Philyaw (hereinafter referred to as "Philyaw"). The Appellants submit that the features recited in Claims 1-26 are patentable over Want in view of Philyaw for at least the following reasons.

"As reiterated by the Supreme Court in *KSR*, the framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). Obviousness is a question of law based on underlying factual inquiries" including "[a]scertaining the differences between the claimed invention and the prior art" (MPEP 2141(II)). "In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious" (emphasis in original; MPEP 2141.02(I)). Appellants note that "[t]he prior art reference (or references when combined) need not teach or suggest all the claim limitations, however, Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art" (emphasis added; MPEP 2141(III)).

Moreover, Appellants respectfully note that "[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away

from the claimed invention" (emphasis in original; MPEP 2141.02(VI); *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984)).

The Appellants do not understand Want alone, or in combination with Philyaw, to disclose the feature of "context is stored on a portable computing device" as recited in Claim 8. The Appellants understand Want to be silent regarding the storage of context information on a portable computing device. The Appellants understand Philyaw to disclose that a profile database 1302 is stored at a location other than that of the user's PC 1002 (see Figures 11 and 13). The Appellants submit that this teaches away from the above recited features.

RESPONSE TO ARGUMENTS

With respect to the Office Action's statements on page 18 lines 1-10, Claim 8 recites "said client device comprises a portable computing device and wherein said context is stored on said portable computing device," where Claim 8 depends on Claim 1, which recites "a context relating to a user of said client device." The Office Action relies on Philyaw's teachings at Col. 27 lines 39-67, Col. 28 lines 51-67 and Col. 2 lines 15-21.

Philyaw states at Col. 27 lines 41-43 (emphasis added), "The memory divide 2626 includes one or more memory locations which store data, i.e., 'codes', that can be retrieved by the BSRC processor 2710."

Accordingly, Appellants understand Philyaw to teach that portions of the memory are in different locations within that memory and data, also referred to as "codes," can be stored in those portions of memory at those memory locations. Appellants respectfully submit that portions of memory that are at different locations in the memory and storing data in those portions of memory does not teach or suggest "context," as recited by Claim 8 let alone to teach or suggest "said client device comprises a portable computing device and wherein said context is stored on said portable computing device," as recited by Claim 8 wherein a context is related "to a user of said client device," as recited by Claim 1.

Philyaw states at Col. 28 lines 56-58, "wherein the beacon unit processor 2606 retrieves the code or codes from the beacon unit memory 2610." Accordingly, Appellants understand Philyaw teaching that data can be retrieved from the memory. Appellants respectfully submit that retrieving data from memory does not teach or suggest "context," as recited by Claim 8 let alone to teach or suggest "said client device comprises a portable computing device and wherein said context is stored on said portable computing device," as recited by Claim 8 wherein a context is related "to a user of said client device," as recited by Claim 1.

Philyaw states on Col. 2 lines 13-21 (emphasis added),

> The wireless device includes a processor and a transmitter/receiver for sending and receiving radio frequency signals to provide two-way digital communication between the processor and the computer network. The system comprises a beacon unit and a beacon signal receiver circuit. The beacon unit is disposed at a location and includes a transmitter which transmits a beacon signal into a target region adjacent to the location.

Accordingly, Appellants understand Philyaw to teach a beacon transmitting a signal into an area that is near where the beacon is located (see Philyaw Col. 2 lines 13-21 quoted herein). Appellants respectfully submit that a beacon would not need to store "context" as recited in order to transmit a signal into an area that is near where the beacon is located. The Office Action appears to assert that positional information teaches "context." This is not an admission on the part of Appellants, however, for the sake of argument, Appellants respectfully submit that the beacon would not need to store positional information in order to transmit a signal into an area that is near where the beacon is located. Therefore, Appellants respectfully submit that Philyaw does not explicitly or implicitly teach or suggest "said client device comprises a portable computing device and wherein said context is stored on said portable computing device," as recited by Claim 8 wherein a context is related "to a user of said client device," as recited by Claim 1.

SUMMARY

Appellants respectfully submit that the combination of Want and Philyaw, as a whole, does not satisfy a *prima facie* case of obviousness under 35 U.S.C. §103(a). Furthermore, the instant Office Action does not explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art as set forth in MPEP 2141(III). Accordingly, the Appellants submit that the rejection of Claim 8 under 35 U.S.C. §103(a) is not supported by the cited art.

6. Whether Claims 10-15 are Patentable Over Want and Philyaw.

Claims 1-26 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,122,520 to Want et al. (hereinafter referred to as "Want") in view of U.S. Patent No. 6,961,555 to Philyaw (hereinafter referred to as "Philyaw"). The Appellants submit that the features recited in Claims 1-26 are patentable over Want in view of Philyaw for at least the following reasons.

"As reiterated by the Supreme Court in *KSR*, the framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). Obviousness is a question of law based on underlying factual inquiries" including "[a]scertaining the differences between the claimed invention and the prior art" (MPEP 2141(II)). "In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious" (emphasis in original; MPEP 2141.02(I)). Appellants note that "[t]he prior art reference (or references when combined) need not teach or suggest all the claim limitations, however, Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art" (emphasis added; MPEP 2141(III)).

Moreover, Appellants respectfully note that "[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention" (emphasis in original; MPEP 2141.02(VI); *W.L. Gore &*

Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984)).

Claim 10 recites (emphasis added):

> A network based system for selectively providing a data structure to a client device, said data structure having a first data field for identifying a geographic location and positional data related to a physical location of said geographic location and a second data field associated with said first data field containing information corresponding to said location, said second field is comprising a uniform resource locator, said network further comprising:
>
> a filter disposed upon said client device and coupled to said network for accessing context stored at said client device and on the basis of said context determining that said data structure is pertinent to a user of said client device and wherein said filter functions to deter locating said user, wherein said context and said information is dynamically updated based on a condition relating to a temporal pertinence of said information, and wherein a physical location of said client device is not required to be transmitted;
>
> a server coupled to said network for selectively furnishing a portion said data structure to said client device on the basis of said context and said determining, wherein said first data field and said second data field are linked such that said data structure comprising said positional data and said uniform resource locator related to said physical location is downloaded to said client device when said client device is near said physical location such that said uniform resource locator is accessible without browsing; and
>
> a database coupled to said server for storing a plurality of said data structures and providing said data structure to said server.

The Appellants understand Want to be silent regarding the feature of "a filter disposed upon said client device…to deter locating said user," as recited in Claim 10. The Appellants further do not understand Want to disclose any kind of process for deterring the location of a user.

The Appellants submit that Philyaw fails to repair this shortcoming of Want. The Appellants understand Philyaw to disclose that some devices may not be configured to determine their location (see column 2, lines 1-7 of Philyaw) and would therefore not provide "a filter disposed upon said client device…to deter locating said user," as recited by Claim 10 since those Philyaw devices appear to be incapable of generating location data. Furthermore, as discussed above, the Appellants submit that Want in combination with Philyaw does not satisfy a *prima facie* case of obviousness under 35 U.S.C. §103(a) regarding the feature of "said context and said

information is dynamically updated based on a condition relating to a temporal pertinence of said information," as recited in Claims 10.

The Appellants further submit that Want in combination with Philyaw fails to disclose "a filter disposed upon said client device...to deter locating said user," as recited in Claims 10. As discussed above, the Appellants do not understand Want to disclose filtering information to deter locating a user, while Philyaw is understood to disclose a profile database 1302 is stored at a location other than that of the user's PC 1002. However, this profile database is not understood to be configured or used to deter locating a user. Therefore, Appellants do not understand the Want Philyaw combination to teach or suggest "a filter disposed upon said client device...to deter locating said user," as recited in Claims 10.

Appellants respectfully submit that the combination of Want and Philyaw, as a whole, does not satisfy a *prima facie* case of obviousness under 35 U.S.C. §103(a). Furthermore, the instant Office Action does not explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art as set forth in MPEP 2141(III). Accordingly, the Appellants submit that the rejection of Claims 10 and 16 under 35 U.S.C. §103(a) is not supported by the cited art.

Appellants respectfully note that the Office Action mailed February 3, 2012 did not respond to Appellants' remarks concerning Claims 10-15. Therefore, the Office Action was not fully responsive as required under MPEP §707.07(d). Appellants respectfully request that future communications from the Examiner fully respond to Appellants' remarks.

Claims 11-15 depend from Claim 10 and recite additional features descriptive of embodiments of the present invention. Accordingly, the Appellants submit that the rejection of Claims 11-15 under 35 U.S.C. §103(a) is not supported by the cited art. Furthermore, Claim 11 is rejected on the same basis as the rejection of Claim 3 while Claim 13 is rejected on the same basis as the rejection of Claim 5.

Accordingly, the Appellants submit that rejections of Claims 11 and 13 are not supported based upon the same reasons presented above.

7. Whether Claims 16-21 are Patentable Over Want and Philyaw.

Claims 1-26 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,122,520 to Want et al. (hereinafter referred to as "Want") in view of U.S. Patent No. 6,961,555 to Philyaw (hereinafter referred to as "Philyaw"). The Appellants submit that the features recited in Claims 1-26 are patentable over Want in view of Philyaw for at least the following reasons.

"As reiterated by the Supreme Court in *KSR*, the framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). Obviousness is a question of law based on underlying factual inquiries" including "[a]scertaining the differences between the claimed invention and the prior art" (MPEP 2141(II)). "In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious" (emphasis in original; MPEP 2141.02(I)). Appellants note that "[t]he prior art reference (or references when combined) need not teach or suggest all the claim limitations, however, Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art" (emphasis added; MPEP 2141(III)).

Moreover, Appellants respectfully note that "[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention" (emphasis in original; MPEP 2141.02(VI); *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984)).

Claim 16 recites, "in response to said seeking, filtering said context at said client device to deter locating said user…dynamically updating said context and said

portion of said data structure based on a condition relating to a temporal pertinence of said information."

The Appellants understand Want to be silent regarding the feature of "filtering said context at said client device to deter locating said user," as recited in Claim 16. The Appellants further do not understand Want to disclose any process for deferring the location of a user.

The Appellants submit that Philyaw fails to repair this shortcoming of Want. The Appellants understand Philyaw to disclose that some devices may not be configured to determine their location (see column 2, lines 1-7 of Philyaw) and would therefore not be capable of "filtering said context at said client device to deter locating said user," as recited as those Philyaw devices appear to be incapable of generating location data.

Furthermore, as discussed above, the Appellants submit that Want in combination with Philyaw does not satisfy a *prima facie* case of obviousness under 35 U.S.C. §103(a) regarding the feature of "dynamically updating said context and said portion of said data structure based on a condition relating to a temporal pertinence of said information," as recited in Claims 10. The Appellants further submit that Want in combination with Philyaw fails to disclose "filtering said context at said client device to deter locating said user," as recited in Claims 16. As discussed above, the Appellants do not understand Want to disclose filtering information to deter locating a user, while Philyaw is understood to disclose a profile database 1302 is stored at a location other than that of the user's PC 1002. However, this profile database is not understood to be configured or used to deter locating a user. Therefore, Appellants do not understand the Want Philyaw combination to teach or suggest "filtering said context at said client device to deter locating said user," as recited in Claims 16.

Appellants respectfully submit that the combination of Want and Philyaw, as a whole, does not satisfy a *prima facie* case of obviousness under 35 U.S.C. §103(a). Furthermore, the instant Office Action does not explain why the difference(s)

between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art as set forth in MPEP 2141(III). Accordingly, the Appellants submit that the rejection of Claims 10 and 16 under 35 U.S.C. §103(a) is not supported by the cited art.

Appellants respectfully note that the Office Action mailed February 3, 2012 did not respond to Appellants' remarks concerning Claims 16-21. Therefore, the Office Action was not fully responsive as required under MPEP §707.07(d). Appellants respectfully request that future communications from the Examiner fully respond to Appellants' remarks.

Claims 17-21 depend from Claim 16 respectively and recite additional features descriptive of embodiments of the present invention. Accordingly, the Appellants submit that the rejection of Claim 17-21 under 35 U.S.C. §103(a) is not supported by the cited art. Furthermore, Claim 17 is rejected on the same basis as the rejection of Claim 3 while Claim 19 is rejected on the same basis as the rejection of Claim 5. Accordingly, the Appellants submit that rejections of Claims 17 and 19 are not supported based upon the same reasons presented above.

8. Whether Claims 22-26 are Patentable Over Want and Philyaw.

Claims 1-26 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,122,520 to Want et al. (hereinafter referred to as "Want") in view of U.S. Patent No. 6,961,555 to Philyaw (hereinafter referred to as "Philyaw"). The Appellants submit that the features recited in Claims 1-26 are patentable over Want in view of Philyaw for at least the following reasons.

"As reiterated by the Supreme Court in *KSR*, the framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). Obviousness is a question of law based on underlying factual inquiries" including "[a]scertaining the differences between the claimed invention and the prior art" (MPEP 2141(II)). "In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but

whether the claimed invention as a whole would have been obvious" (emphasis in original; MPEP 2141.02(I)). Appellants note that "[t]he prior art reference (or references when combined) need not teach or suggest all the claim limitations, however, Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art" (emphasis added; MPEP 2141(III)).

Moreover, Appellants respectfully note that "[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention" (emphasis in original; MPEP 2141.02(VI); *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984)).

Claim 22 recites (emphasis added):

> A non-transitory computer readable storage medium having a data structure disposed therein for providing information corresponding to a geographic location, said data structure comprising:
> a first data field for identifying said geographic location with respect to a point in three dimensional reference system related to a physical location of said geographic location, wherein said three dimensional reference system is based selectively on an absolute reference and a relative reference; and
> a second data field associated with said first data field for containing said information, said second field is comprising a uniform resource locator, wherein a user can access said information;
> wherein said first data field and said second data field are linked such that said data structure comprising said geographic location and said uniform resource locator related to said physical location functions as a virtual beacon and is downloadable to a client device near said physical location such that said uniform resource locator is accessible by said user without browsing and said virtual beacon selectively provides a portion of said information to said client device on said network, wherein said portion is based on a context relating to a user of said client device; and
> said context and said information is dynamically updated based on a condition relating to a temporal pertinence of said information, wherein a physical location of said client device is not required to be transmitted and is filtered at said client device to deter locating said user.

Again, the Appellants submit that Want is silent regarding the feature of "is filtered at said client device to deter locating said user," as recited in Claim 22. The

Appellants further do not understand Want to disclose "is filtered at said client device to deter locating said user," as recited in Claim 22.

The Appellants submit that Philyaw fails to repair this shortcoming of Want. The Appellants understand Philyaw to disclose that some devices may not be configured to determine their location and would therefore not be capable of "is filtered at said client device to deter locating said user," as recited by Claim 22 as Philyaw's devices appear to be incapable of generating location data.

Furthermore, as discussed above, the Appellants submit that Want in combination with Philyaw does not satisfy a *prima facie* case of obviousness under 35 U.S.C. §103(a) regarding the feature of "said context and said information is dynamically updated based on a condition relating to a temporal pertinence of said information," as recited in Claim 22.

The Appellants further submit that Want in combination with Philyaw fails to disclose "is filtered at said client device to deter locating said user," as recited in Claim 22. As discussed above with regard to Claim 8, the Appellants do not understand Want to disclose filtering information from a virtual beacon at all, while Philyaw is understood to disclose a profile database 1302 is stored at a location other than that of the user's PC 1002. However, this profile database is not understood to be configured or used to deter locating a user. Therefore, Appellants respectfully submit that the Want Philyaw combination does not teach or suggest "is filtered at said client device to deter locating said user," as recited in Claim 22.

Appellants respectfully submit that the combination of Want and Philyaw, as a whole, does not satisfy a *prima facie* case of obviousness under 35 U.S.C. §103(a). Furthermore, the instant Office Action does not explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art as set forth in MPEP 2141(III). Accordingly, the Appellants submit that the rejection of Claim 22 under 35 U.S.C. §103(a) is not supported by the cited art.

Appellants respectfully note that the Office Action mailed February 3, 2012 did not respond to Appellants' remarks concerning Claims 22-26. Therefore, the Office Action was not fully responsive as required under MPEP §707.07(d). Appellants respectfully request that future communications from the Examiner fully respond to Appellants' remarks.

Claims 23-26 depend from Claim 22 and recite additional features descriptive of embodiments of the present invention. Accordingly, the Appellants submit that the rejection of Claims 23-26 under 35 U.S.C. §103(a) is also not supported by the cited art.

IV. Conclusion

Appellants believe that pending Claims 1-26 are patentable over Want and Philyaw. As such, Appellants submit that Claims 1-26 are patentable over the asserted art.

Appellants respectfully request that the rejection of Claims 1-26 be reversed. The Appellant wishes to encourage the Examiner or a member of the Board of Patent Appeals to telephone the Appellants' undersigned representative if it is felt that a telephone conference could expedite prosecution.

Respectfully submitted,
Wagner Blecher LLP

Dated: 4/25/2012

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V. Appendix - Clean Copy of Claims on Appeal

1. A non-transitory computer readable storage medium having a data structure disposed therein for providing information corresponding to a geographic location, said data structure comprising:

a first data field for identifying said geographic location and positional data related to a physical location of said geographic location; and

a second data field associated with said first data field for containing said information, said second field is comprising a uniform resource locator, wherein a user can access said information;

wherein said first data field and said second data field are linked such that said data structure comprising said positional data and said uniform resource locator related to said physical location functions as a virtual beacon and is downloadable to a client device near said physical location such that said uniform resource locator is accessible by said user without browsing, wherein a physical location of said client device is not required to be transmitted;

said virtual beacon selectively provides a portion of said information to said client device on a network, wherein said portion is based on a context relating to a user of said client device; and

said context and said information is dynamically updated based on a condition relating to a temporal pertinence of said information.

2. The non-transitory computer readable storage medium as recited in Claim 1 wherein said context is subject to filtering and wherein the filtering functions to deter locating said user.

3. The non-transitory computer readable storage medium as recited in Claim 1 wherein the receivability of said data structure to said client device is activated or deactivated in response to said condition.

4. The non-transitory computer readable storage medium as recited in Claim 3 wherein said condition comprises a quality selected from the group consisting of time and a locational aspect of said client device.

5. The non-transitory computer readable storage medium as recited in Claim 4 wherein said locational aspect comprises a state selected from the group consisting of directional orientation, tilt orientation, motion through a specified area of coverage, and accessibility of said location to a position of said client device.

6. The non-transitory computer readable storage medium as recited in Claim 5 wherein said condition comprises a sequence of events occurring and wherein said specified area of coverage changes dynamically in response to said sequence of events.

7. The non-transitory computer readable storage medium as recited in Claim 2 wherein said context comprises an attribute of said user, said attribute selected from the group consisting of identity, profile, history, a preference, a credential, capability, an interest, and a privacy selection.

8. The non-transitory computer readable storage medium as recited in Claim 2 wherein said client device comprises a portable computing device and wherein said context is stored on said portable computing device.

9. The non-transitory computer readable storage medium as recited in Claim 2 wherein said first data field comprises a latitude and a longitude.

10. A network based system for selectively providing a data structure to a client device, said data structure having a first data field for identifying a geographic location and positional data related to a physical location of said geographic location and a second data field associated with said first data field containing information corresponding to said location, said second field is comprising a uniform resource locator, said network further comprising:

a filter disposed upon said client device and coupled to said network for accessing context stored at said client device and on the basis of said context determining that said data structure is pertinent to a user of said client device and wherein said filter functions to deter locating said user, wherein said context and said information is dynamically updated based on a condition relating to a temporal pertinence of said information, and wherein a physical location of said client device is not required to be transmitted;

a server coupled to said network for selectively furnishing a portion said data structure to said client device on the basis of said context and said determining, wherein said first data field and said second data field are linked such that said data structure comprising said positional data and said uniform resource locator related to said physical location is downloaded to said client device when said client device is near said physical location such that said uniform resource locator is accessible without browsing; and

a database coupled to said server for storing a plurality of said data structures and providing said data structure to said server.

11. (Previously Presented) The system as recited in Claim 10 wherein the receivability of said data structure to said client device is activated or deactivated in response to said condition.

12. The system as recited in Claim 11 wherein said condition comprises a quality selected from the group consisting of time and a locational aspect of said client device.

13. The system as recited in Claim 12 wherein said locational aspect comprises a state selected from the group consisting of directional orientation, tilt orientation, motion through a specified area of coverage, and accessibility of said location to a position of said client device.

14. The system as recited in Claim 13 wherein said condition comprises a sequence of events occurring and wherein said specified area of coverage changes dynamically in response to said sequence of events.

15. The system as recited in Claim 10 wherein said context comprises an attribute of said user, said attribute selected from the group consisting of identity, profile, history, a preference, a credential, capability, an interest, and a privacy selection.

16. A network based method for selectively providing a data structure, said data structure having a first data field for identifying a geographic location and positional data related to a physical location of said geographic location and a second data field associated with said first data field containing information corresponding to said location, said second field is comprising a uniform resource locator, to a client device, said method comprising:

in response to a request from said client device, seeking context that characterizes a user of said client device;

in response to said seeking, filtering said context at said client device to deter locating said user;

upon said filtering, determining from said context that said data structure is pertinent to said user;

in response to said determining, sending a portion of said data structure to said client device, wherein said portion is based on said context, wherein said first data field and said second data field are linked such that said data structure comprising said positional data and said uniform resource locator related to said physical location is sent to said client device when said client device is near said physical location such that said uniform resource locator is accessible without browsing; and

dynamically updating said context and said portion of said data structure based on a condition relating to a temporal pertinence of said information and said portion of said data structure, wherein a physical location of said client device is not required to be transmitted.

17. (Previously Presented) The method as recited in Claim 16 wherein the receivability of said data structure to said client device is activated or deactivated in response to said condition.

18. The method as recited in Claim 17 wherein said condition comprises a quality selected from the group consisting of time and a locational aspect of said client device.

19. The method as recited in Claim 18 wherein said locational aspect comprises a state selected from the group consisting of directional orientation, tilt orientation, motion through a specified area of coverage, and accessibility of said location to a position of said client device.

20. The method as recited in Claim 19 wherein said condition comprises a sequence of events occurring and wherein said specified area of coverage changes dynamically in response to said sequence of events.

21. The method as recited in Claim 16 wherein said context comprises an attribute of said user, said attribute selected from the group consisting of identity, profile, history, a preference, a credential, capability, an interest, and a privacy selection.

22. A non-transitory computer readable storage medium having a data structure disposed therein for providing information corresponding to a geographic location, said data structure comprising:

a first data field for identifying said geographic location with respect to a point in three dimensional reference system related to a physical location of said geographic location, wherein said three dimensional reference system is based selectively on an absolute reference and a relative reference; and

a second data field associated with said first data field for containing said information, said second field is comprising a uniform resource locator, wherein a user can access said information;

wherein said first data field and said second data field are linked such that said data structure comprising said geographic location and said uniform resource locator related to said physical location functions as a virtual beacon and is downloadable to a client device near said physical location such that said uniform

resource locator is accessible by said user without browsing and said virtual beacon selectively provides a portion of said information to said client device on said network, wherein said portion is based on a context relating to a user of said client device; and

said context and said information is dynamically updated based on a condition relating to a temporal pertinence of said information, wherein a physical location of said client device is not required to be transmitted and is filtered at said client device to deter locating said user.

23. The non-transitory computer readable storage medium as recited in Claim 22 wherein said first data field comprises a latitude, a longitude.

24. The non-transitory computer readable storage medium as recited in Claim 22 wherein said first data field comprises a plurality of fields wherein said fields identify said geographic location, wherein said absolute reference comprises a plurality of coordinate systems, and wherein each field of said plurality of fields is defined in a separate coordinate system of said plurality of coordinate systems.

25. The non-transitory computer readable storage medium as recited in Claim 22 wherein said first data field comprises a plurality of fields wherein said fields identify said geographic location, wherein said relative reference comprises a plurality of coordinate systems, and wherein each field of said plurality of fields is defined in a separate coordinate system of said plurality of coordinate systems.

26. The non-transitory computer readable storage medium as recited in Claim 22 wherein said first data field comprises a plurality of fields wherein said fields identify said geographic location, wherein each field of said plurality of fields is defined in a separate coordinate system and wherein a first field of said plurality of fields is defined based on said absolute reference and a second field of said plurality of fields is defined based on said relative reference.